IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4650 of 1998

For Approval and Signature:

HON'BLE MR.JUSTICE M.R. SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

RAJKOT DISTRICT CO-OPERATIVE BANK LTD

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 4650 of 1998

M/S THAKKAR ASSOC. for Petitioner No. 1

Mr. Dipen A. Desai, AGP for Respondent No. 1-3

NOTICE NOT RECD BACK for Respondent No. 4

CORAM : HON'BLE MR.JUSTICE M.R. SHAH

Date of decision: 13/10/2004

ORAL JUDGEMENT

This petition was filed challenging the order passed by the Additional Registrar (Appeals), Cooperative Societies, State of Gujarat, Gandhinagar, dated 8.6.1998 by which while relegating respondent No.4 to approach the District Registrar the Additional Registrar has passed an

order restraining the petitioner from removing respondent No.4 as member of the society. This Court, while admitting the present Special Civil Application, granted stay of further operation and implementation of the impugned order.

2. Today, when the matter is called out, Shri Navin Pahwa, learned advocate appearing on behalf of the petitioner has submitted that during the pendency of the present Special Civil Application in view of the fact that the impugned order dated 8.6.1998 was stayed by this Court the respondent No.4 was removed as member and thereafter the said action of removal is challenged by the respondent No.4 before the appropriate forum. In that view of the matter, the present Special Civil Application has become infructuous and therefore no further order is required to be passed in the present Special Civil Application. The present petition is disposed of accordingly. It is ordered that in view of the aforesaid development, the impugned order passed by the Additional Registrar (Appeals) may not be given effect to.

rmr. [M.R. Shah, J.]